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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,461	05/01/2001	Radu S. Jasinski	US 010222	4444

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BRIARCLIFF MANOR, NY 10510

EXAMINER

NGUYEN, HUY THANH

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/846,461	Applicant(s) JASINSCHI ET AL.	
	Examiner HUY T. NGUYEN	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11,13-19,21-27 and 29-32 is/are rejected.
- 7) ☒ Claim(s) 4,12,20 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/01/01,8/04/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2,9-10,17-18 and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al (5,646,796).

Regarding claims 1 and 9, Kimura discloses a multimedia analysis system capable of analyzing content of multimedia signals, an apparatus for creating a multimedia table of contents of videotaped material, said apparatus comprising:

a multimedia table of contents controller capable of receiving video signals, audio signals, and text signals of said videotaped material;

wherein said multimedia table of contents controller is capable of combining portions of said video signals, audio signals and text signals of said videotaped material to create a table of contents of said videotaped material. (Figs 1112, column 6, lines 50-65, column 7).

Regarding claim 2, Kimura further teaches the apparatus as claimed in Claim 1 wherein said multimedia table of contents controller is capable of creating said table of

contents of said videotaped material by selecting a video segment that relates to an element of said videotaped material, and by adding said video segment to said table of contents of said videotaped material (Fig. 11 column 6, lines 50-65, column 7).

Method claims 17-18 and 25-26 correspond to apparatus claims 1-2 and 9-10. Therefore method claims 17-18 and 25-26 are rejected by the same reason as applied to apparatus claims 1-2 and 9-10

3. Claims 1-2,9-10,17-18 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Watkins (6,901,207)

Regarding claims 1,9 Watkins discloses a multimedia analysis system (Fig. 1-3) capable of analyzing content of multimedia signals, an apparatus for creating a multimedia table of contents of videotaped material, said apparatus comprising:

a multimedia table of contents controller capable of receiving video signals, audio signals, and text signals of said videotaped material;

wherein said multimedia table of contents controller is capable of combining portions of said video signals, audio signals and text signals of said videotaped material to create a table of contents of said videotaped material. (column 16, lines 45 to column 17, line 16, column 14, line 15-30).

Regarding claims 2 and 10, Watkins further teaches the apparatus as claimed in Claim 1 wherein said multimedia table of contents controller is capable of creating said table of contents of said videotaped material by selecting a video segment (video stills) that relates to an element of said videotaped material, and by adding said video

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segment to said table of contents of said videotaped material (Fig.3, column 21, lines 10-25) .

Method claims 17-18 and 25-26 correspond to apparatus claims 1,2 and 9-10.

Therefore method claims 17-18 and 25-26 are rejected by the same reason as applied to apparatus claims 1-2 and 9-10

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3,9-11,17-18 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hibi et al (5,546,191) in view of Tonomura et al (5,576,950).

Regarding claims 1 and 9, Hibi discloses a multimedia analysis system capable of analyzing content of multimedia signals, an apparatus for creating a multimedia table of contents of videotaped material, said apparatus comprising:

a multimedia table of contents controller capable of receiving video signals, audio signals, and text signals of said videotaped material;

wherein said multimedia table of contents controller is capable of combining portions of said video signals, audio signals and text signals of said videotaped material to create a table of contents of said videotaped material. (Fig. 16, column 25, lines 40-65 lines 50-65, column 25, lines 25 to column 26, line 30).

Hibi fails to teach that the table of contents having an audio portion. Tonomura teaches an apparatus for generating table of content having a portion (column 12, lines 30-60, Fig. 9)).

It would have been obvious to one of ordinary skill in the art to modify Hibi with Tonomura by providing an audio generating means as taught by Tonomura for additionally providing the table of content of Hibi with an audio portion thereby providing more interest to the user .

Regarding claims 2 and 10, Hibi further teaches the apparatus as claimed in Claim 1 wherein said multimedia table of contents controller is capable of creating said table of contents of said videotaped material by selecting a video segment that relates to an element of said videotaped material, and by adding said video segment to said

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table of contents of said videotaped material . (Fig. 16, column 24, lines 40-62, column 25, lines 40-65 lines 50-65, column 25, lines 25 to column 26, line 30).

Regarding claims 3 and 11 , Hibi as modified with Tonomura further teaches using coarse boundary detection ( scene change) for segment the video content (See Hibi column 25, lines 27-50, column 28, line 1-20).

Regarding claims 7, 15, Hibi as modified with Tonomura further teaches the multimedia table of contents controller is capable of combining portions of said video signals, audio signals, and text signals of said videotaped material to create a multimedia index of said videotaped material (see Hibi Fig. 16, Tonomura column 12, lines 30-60, Fig. 9) .

Regarding claims 8, 16, Hibi as modified with Tonomura further teaches the multimedia index of said videotaped material comprises one of:

a specialized topical multimedia index, a multimedia bibliography and multimedia glossary (see Hibi Fig. 16).

Method claims 17-19 ,23-24,25-27 and 31-32 correspond to apparatus claims 1-3 ,7-8,and 9-11,15-16 . Therefore method claims 17 –19 and 25 –27 are rejected by the same reason as applied to apparatus claims 1-3,7-8 , 9-11 and 15-16

6. Claims 3,5-8,11,13-16, 19,21-24,27 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins in view of Fu et al (6,882,793) .

Regarding claims 3, 11, Watkins fails to teach using a coarse boundary detection for segmenting the video content .

Fu teaches using coarse boundary detection for segmenting the video content (column 7-8)

I would have been obvious to one of ordinary skill in the art to modify Watkins with Fu by using a coarse boundary detection means as taught by Fu with the apparatus of Watkins for segmenting the video content into video segments thereby enhancing the capacity of the apparatus Watkins for accurately segmenting the video content based on the changing of the content .

Regarding claims 5,13 Watkins as modified with Fu further teaches the apparatus as claimed in Claim 3 wherein said controller further comprises:

an index module capable of linking elements of said videotaped material selected for said table of contents, and capable of linking said elements with combinations of audio, visual, and transcript cues (see Watkins column 21, lines 10-27) .

Regarding claims 6, 14, Watkins as modified with Fu further teaches the apparatus as claimed in Claim 5 wherein said controller further comprises:

a retrieval module capable of retrieving a table of contents stored in said memory unit and causing said table of contents to be displayed in response to a user request (See Fu Figs . 5-6).

Regarding claims 7, 15, Watkins modified with Fu further teaches the apparatus as claimed in Claim 1 wherein said multimedia table of contents controller is capable of combining portions of said video signals, audio signals, and text signals of said

videotaped material to create a multimedia index of said videotaped material (see Watkins and Fu Fig. 5-6) .

Regarding claims 8, 16, Watkins as modified with Fu further teaches the apparatus as claimed in Claim 7 wherein said multimedia index of said videotaped material comprises one of:

a specialized topical multimedia index, a multimedia bibliography and multimedia glossary (see Fu Figs 5-6).

Method claims 19,21-24 and 27,29-32 correspond to apparatus claims 3,5-8, 11,13-16 . Therefore method claims 19,21-24 and 27,29-32 are rejected by the same reason as applied to apparatus claims 3,5-8, 11,13-16 .

***Allowable Subject Matter***

7. Claims 4, 12, 20, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER